



Neil S. Binder

Partner

Neil Binder's practice focuses on complex commercial and financial litigation. He has extensive trial and appellate experience, and he has represented clients in a wide range of civil matters from the pre-complaint stage through trial and appeal. His clients include investment banks, commercial banks, insurance companies and hedge funds. Prior to founding Binder & Schwartz LLP, Mr. Binder was a partner at a leading financial services firm where he specialized in complex financial litigation. He served as an Assistant United States Attorney from 1999-2003 where he represented the United States in numerous matters and served as lead counsel for the United States in the Enron bankruptcy proceedings.

Education

- > New York University School of Law, J.D., *magna cum laude*, 1995; elected to Order of the Coif
- > Columbia University, M.A. and M. Phil., 1992
- > Wesleyan University, B.A., 1987

Clerkship

- > Honorable Phyllis A. Kravitch, U.S. Court of Appeals for the Eleventh Circuit

Bar & Court Admissions

- > New York
- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York
- > U.S. Court of Appeals for the Second Circuit
- > U.S. Court of Appeals for the Eleventh Circuit

Neil S. Binder

Partner

Representative Matters

- > Counsel for financial brokerage business in multidistrict litigation brought by the Danish Tax Authority in relation to dividend withholding tax reclaims
- > Counsel for former senior executive in FINRA arbitration in connection with claims for compensation and defamation
- > Represent group of hospital-based emergency room physicians in litigation against commercial health insurer to recover proper payment for emergency medical services
- > Counsel for bank in disputes concerning letters of credit
- > Counsel for former CFO of MF Global Holdings Ltd. in securities and commodities class actions in the Southern District of New York
- > Counsel for Litigation Trust in chapter 11 proceedings of General Motors in connection with prosecution of \$1.5 billion avoidance action against administrative agent and syndicate of lenders
- > Counsel for hedge fund in dispute with financial services company in connection with breach of transfer agreement
- > Counsel for Fortune 500 company in dispute with Lehman arising in connection with ISDA-based swap agreement
- > Counsel for institutional investors in involuntary winding up proceeding against a hedge fund in the Cayman Islands
- > Counsel for hedge funds in connection with sale of bankruptcy trade claim
- > Counsel for group of hedge funds in connection with dispute over payments pursuant to a credit agreement
- > Counsel for large group of individual defendants in securities actions brought by the Federal Housing Finance Agency in connection with issuance of residential mortgage-backed securitizations
- > Counsel for senior secured lender in dispute over validity of lien securing \$200 million satellite
- > Counsel for The Boeing Company in litigation involving tens of billions of dollars in property damage arising in connection with the September 11 terrorist attacks
- > Counsel for global financial services firm in litigation arising out of the sale of claims in connection with Interstate Bakeries
- > Counsel for hedge fund in litigation arising in connection with the sale of distressed debt
- > Counsel for large chemical manufacturing company in litigation alleging breach of the terms of a stock purchase agreement and non-compete agreement entered in connection with the sale of a subsidiary

(T) 212.510.7031
(M) 917.946.5245
nbinder@binderschwartz.com

675 Third Avenue
26th Floor
New York, NY 10017

binderschwartz.com

- > Counsel for several financial services institutions in multi-million dollar fraud litigation arising in connection with the sale of asset-backed securities
- > Counsel for manufacturer and wholesaler in a federal jury trial involving a contract and copy-right dispute arising from a licensing agreement
- > Counsel for compliance officer in connection with FINRA investigation
- > Counsel for senior insurance executive in U.S. DOJ, SEC and New York Attorney General Investigation
- > Counsel for senior insurance executive in SEC investigation concerning financial reporting
- > Counsel for individuals in U.S. DOJ and SEC investigation into mismarking of trading book
- > Counsel for individual in SEC investigation concerning derivative accounting

Honors & Awards

- > Selection as a New York Super Lawyer for Business Litigation and Securities Litigation
- > Fellow, Litigation Counsel of America
- > Recognized among AVENUE magazine's Legal Elite
- > Recipient of U.S. DOJ Director's Award for Superior Performance from the Executive Office of U.S. Attorneys

Professional & Community Affiliations

- > New York City Bar Association
 - Member, Federal Courts Committee (2004 - 2006; 2014 - 2016)
- > Federal Bar Council
 - Inn of Court

Eric B. Fisher

Partner

Eric Fisher's practice focuses on bankruptcy litigation and other complex commercial disputes, including representing creditors' committees, ad hoc creditor groups, litigation trusts and bankruptcy trustees in high-stakes matters. Mr. Fisher has served as lead counsel in bench and jury trials in the Southern District of New York and other trial courts; argued numerous appeals before the Second Circuit and other appellate courts, including successfully arguing an issue of first impression before the Delaware Supreme Court; and litigated cases in a variety of alternative dispute resolution forums, including AAA, JAMS, and FINRA. He also has counseled clients in business breakup, dissolution, and buyout situations. Mr. Fisher served as an Assistant U.S. Attorney in the Southern District of New York from 1999-2002, where he represented the United States in bankruptcy, civil rights, employment and regulatory matters. He currently serves as co-chair of the Federal Bar Council's Bankruptcy Litigation Committee and has published numerous articles on bankruptcy and litigation topics in the *National Law Review*, *American Bankruptcy Institute Law Review*, *New York Law Journal* and *American Bankruptcy Institute Journal*.

Education

- > Columbia University School of Law, J.D., 1995, Harlan Fiske Stone Scholar
- > Yale University, B.A., *magna cum laude*, 1992

Clerkship

- > Foreign Law Clerk to Justice Mishael Cheshin, Supreme Court of Israel

Bar & Court Admissions

- > New York
- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York
- > U.S. Court of Appeals for the Second Circuit
- > U.S. Court of Appeals for the Fifth Circuit

(T) 212.933.4551
(M) 917.399.3351
efisher@binderschwartz.com

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26th floor
New York, NY 10017

binderschwartz.com

Eric B. Fisher
Partner

Representative Matters

- > Counsel to commercial mortgage-backed securities trust in connection with prosecution of claim against Bank of America seeking repurchase of hundreds of millions of dollars of loans
- > Special bankruptcy counsel to independent public school districts throughout the country in bankruptcy proceedings of Purdue Pharma LP, Mallinckrodt PLC and Endo International PLC
- > Special Counsel for Creditors' Committee in chapter 11 proceedings of General Motors in connection with prosecution and resolution of objection to \$2.67 billion claim by noteholder group
- > Special Counsel for Creditors' Committee in chapter 11 proceedings of General Motors in connection with prosecution of \$1.5 billion avoidance action against JPMorgan and syndicate of lenders
- > Counsel to Terry Bollea, professionally known as Hulk Hogan, in connection with bankruptcy proceedings of Gawker Media LLC
- > Counsel to foreign bank in connection with resolution of complex derivatives disputes in chapter 11 proceedings of Lehman Brothers Holdings Inc.
- > Counsel to chapter 11 plan administrator for DPH Holdings Corporation (formerly known as Delphi Corporation), including in the prosecution of more than 100 avoidance actions
- > Counsel to trust administrator in Redwood Holdings bankruptcy in connection with litigation concerning claims against major international law firm
- > Counsel to Frontier Airlines in litigation concerning aircraft leasing dispute
- > Counsel to hedge funds in diverse litigation and arbitration matters, including partnership disputes, securities fraud, employment matters, breach of contract actions, and investor litigation
- > Counsel to defendants in significant litigation matters arising out of the collapse of Bernard L. Madoff Investment Securities
- > Special Trial Counsel to the Chapter 11 Trustee for Dreier LLP in connection with avoidance actions against hedge funds
- > Counsel to private equity defendants in litigation claims arising out of sale of portfolio companies
- > Counsel to minority member of LLC in connection with prosecution of claims arising out of

(T) 212.933.4551
(M) 917.399.3351
efisher@binderschwartz.com

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26th floor
New York, NY 10017

binderschwartz.com

mismanagement of real estate investment

- > Counsel to ERISA trustees in breach of fiduciary duty case involving alleged over allocation of fund assets to investments in Bernard L. Madoff Investment Securities
- > Counsel to majority shareholder and former management of an airline company in an adversary proceeding arising out of a \$100 million tender offer
- > Counsel to former CEO of furniture company in defending against securities fraud class action
- > Counsel to CEO of energy company in corporate derivative action involving claims of self-dealing transactions
- > Counsel to business owners in contested buyout and corporate dissolution

Honors & Awards

- > Selected as one of the New York Metro Area's Top 100 Lawyers by Super Lawyers

Professional & Community Affiliations

- > Federal Bar Council, Co-Chair Bankruptcy Litigation Committee
- > New York City Bar Association
- > American Bankruptcy Institute, Author and Speaker



Tessa B. Harvey

Counsel

Tessa Harvey's practice focuses on complex commercial, financial, and bankruptcy litigation. Ms. Harvey has represented clients in litigation concerning mortgage-backed securities, interest-rate swaps and derivatives, and other complex financial securities and investments. She also has represented individuals and corporate clients in a variety of contract and commercial disputes in federal courts, state courts, and arbitration. Ms. Harvey joined Binder & Schwartz LLP after practicing in the litigation department of a top national law firm.

Education

- > Fordham University School of Law, J.D., 2012; Associate Editor, Fordham Moot Court (2011-2012); Member Fordham Urban Law Journal (2011-2012); Recipient of the Archibald R. Murray Public Service Award (2012)
- > Boston University, B.A., 2009

Bar & Court Admissions

- > New York
- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York
- > U.S. Court of Appeals for the Second Circuit

Honors & Awards

- > Selection by Super Lawyers as a New York Rising Star (2015-2023)

Publications

- > Co-author, *Looking Below the Surface of ACE v. DB Structured*, Law360
- > Co-author, *Ten MBS Lessons for the New Year: A Litigation Perspective*, THE DEAL PIPELINE

(T) 212.933.4612
tharvey@binderschwartz.com

675 Third Avenue
26th Floor
New York, NY 10017

binderschwartz.com



Gregory C. Pruden

Associate

Gregory Pruden's practice focuses on False Claims Act litigation, securities litigation, and other complex commercial disputes and investigations. Mr. Pruden's past representations include large multinational corporations, financial institutions, securities brokers, private equity and hedge funds, and high net worth individuals from pre-dispute investigations through trial and appeal. Mr. Pruden joined Binder & Schwartz after practicing in the litigation department of a top U.S. law firm.

Education

- > Harvard Law School, J.D., 2013; Harvard Legal Aid Bureau
- > The Honors College, University at Albany, B.S., 2010

Clerkships

- > Honorable Lawrence E. Kahn, District Judge, U.S. District Court for the Northern District of New York, November 2013 – January 2015

Bar & Court Admissions

- > New York
- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York
- > U.S. District Court for the Northern District of New York
- > U.S. Court of Appeals for the Eleventh Circuit

212.510.7239
gpruden@binderschwartz.com

675 Third Avenue
26th Floor
New York, NY 10017

binderschwartz.com